

CITY OF COSMOPOLIS
Grays Harbor County, Washington
January 1, 1993 Through December 31, 1994

Schedule Of Findings

1. City Council Member Violated Code Of Ethics

In May 1992, a developer applied for a septic drain field easement in Franklin Street Park, a municipal park owned by the City of Cosmopolis. The developer applied for the easement as the purported owner of the adjacent lot when, in fact, the lot was subject to an earnest money agreement with the actual owner being a member of the Cosmopolis City Council. One condition of the earnest money agreement was the obtaining of the drain field easement made necessary by the lack of adequate drainage on the building lot. Neither the developer nor the councilman disclosed the ownership of the lot and the easement was granted with the councilman taking an active part in the discussion and subsequent council vote.

The easement became effective in October 1992, and the lot's ownership transferred from the councilman to the developer in December 1992.

Chapter 42.22 RCW, which sets forth the code of ethics for public officers and employees, governs action occurring before January 1, 1995. RCW 42.22.040(1) provides in pertinent part:

No . . . public officer shall use his position to secure special privileges or exemptions for himself or others.

RCW 42.22.070 states:

Any person violating any provision of the chapter shall be guilty of a gross misdemeanor, and such person may be removed from his position or office, in addition to any other remedies or penalties provided by law, as for misconduct or malfeasance in office.

By not disclosing the true ownership of the parcel and by actively participating in the decision to grant the easement, the council member violated the code of ethics for public officers. The councilman acted to grant the easement with the knowledge that he still owned the property and would benefit financially from the transaction.

We recommend the Grays Harbor County Prosecuting Attorney and the Washington State Office of the Attorney General review this matter and take whatever action is deemed necessary.